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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/607,871

Applicant(s)

MCVOY ET AL.

Examiner

SRIRAMA CHANNAVAJJALA

Art Unit

2166

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to RCE

1. Claims 48-84 are pending in this application.
2. Claims 48,55,65,74 have been amended [7/20/2008].
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed 1/19/2007 in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/20/2008 has been entered and a non-final Office action is as follows:

Drawings

4. The Drawings filed on 6/27/2003 are acceptable for examination purpose

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim48, 55, 65,74 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification, pages 5-11 does not support "each user input specifying

a conflict resolution procedure"

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. *Claims 48-84 are rejected under 35 U.S.C. 101 because invention is directed to non-statutory subject matter.*

As set forth in MPEP 2106(II)A:

*Identify and understand Any Practical Application Asserted for the Invention. The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the **practical application** for the claimed invention, i.e., why the applicant believes the claimed invention is useful.*

*Apart from the utility requirement of 35 U.S.C. 101, usefulness under the patent eligibility standard requires significant functionality to be present to satisfy the useful result aspect of the practical application requirement. See Arrhythmia, 958 F.2d at 1057, 22 USPQ2d at 1036. Merely claiming nonfunctional descriptive material **stored in a computer-readable medium does not make the invention eligible for patenting.** For example, a claim directed to a word processing **file stored on a disk may satisfy the utility** requirement of 35 U.S.C. 101 since the information stored may have some **“real world”** value. However, the mere fact that the claim may satisfy the utility requirement of 35 U.S.C. 101 **does not mean that a useful result is achieved under the practical application requirement. The claimed invention as a whole must produce a “useful, concrete and tangible” result to have a practical application.***

8. Claims 48,55,65,74 is directed to a system, method, apparatus, computer program product of applying version control to an associative array. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful, concrete and tangible result. see **“Gottschalk v Benson, 409 U.S.63,71-72,175 USPQ 673,676 (1972).**

Moreover, whether a claim recites a machine implemented process is not determinative of whether that process claim is statutory. Thus, a claim that is nothing more than a machine-implemented abstract idea is not statutory. See

Art Unit: 2166

Benson, 409 U.S.63, 175 USPQ 673 (finding machine-implemented method of converting binary-coded decimal numbers into pure binary numbers unpatentable).

The fundamental test for patent eligibility is to determine whether the claimed invention produces a "useful, concrete and tangible result". See **State Street Bank & Trust Co. v. Signature Financial Group Inc.**, 149 F.3d 1368, 47 USPQ2d 1596 (Fed.Cir. 1998) and **AT&T Corp. v. Excel Communications, Inc.**, 172 F.3d 1352, 50 USPQ2d 1447 (Fed.Cir. 1999). In these decisions, the court found that the claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible" result."

See *State Street*, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. ("[T]he transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical **algorithm**, formula, or calculation, because it produces "a useful, concrete and tangible result" – a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades").

See also *AT&T*, 172 F.3d at 1358, 50 USPQ2d at 1452 (Claims drawn to a long-distance telephone billing process containing mathematical algorithms were held to be patentable subject matter because the process used the algorithm to produce a useful,concrete,tangible result without preempting other uses of the mathematical principle).

Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having **real world value** rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for a final result of the method, system, computer program product of merely receiving a plurality of user inputs responsive to identifying the plurality of conflicts, each user input specifying "**a conflict resolution procedure**", particularly **conflict resolution procedure does not have support** from the specification [page 5-11], also, it is noted that claims 48-54 directed to "A system for applying"; claims 65-69 directed to "An apparatus for applying version control..." and claims 74-83 directed to "A computer program product....." do not specifically define necessary hardware elements, [including drawings figs 1-9, further this produced result remains in the abstract, and thus fails to achieve the required status of having "real world" value.

Claims 49-54, 56-61, 66-73, 75-84 depend from claims 48, 55, 65, 74 are also likewise rejected.

For "General Analysis for Determining Patent-Eligible Subject Matter", see 101 Interim Guidelines as indicated below:

<<<http://www.uspto.gov/web/offices/pac/dapp/ogsheet.html>>>

see MPEP 8th edition, Rev 6, Aug 2007

No new matter should be entered.

Double Patenting

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 48-84 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 24-28,30-34,42-45 [as filed on 7/7/2008] of co-pending Application No. **10/899,560**. Although the conflicting claims are not identical, they are not patentably distinct from each other because of following reasons:

Claims 24-28, 30-34, 42-45 [as filed on 7/7/2008] of Patent Application No. **10/899,560** contain(s) every element of claims 48-84 of the instant application and thus anticipate the claim(s) of the instant application. Claims of the instant application therefore are not patentably distinct from the earlier patent claims and as such are unpatentable over obvious-type double patenting. A later patent/application claim is not patentably distinct from an earlier claim if the later claim is anticipated by the earlier claim.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896,225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir.

Art Unit: 2166

1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a 35 patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

"Claim 12 and Claim 13 are generic to the species of invention covered by claim 3 of the patent. Thus, the generic invention is "anticipated" by the species of the patented invention. Cf., Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985) (holding that an earlier species disclosure in the prior art defeats any generic claim) 4. This court's predecessor has held that, without a terminal disclaimer, the species claims preclude issuance of the generic application. In re Van Ornum, 686 F.2d 937, 944, 214 USPQ 761,767 (CCPA 1982); Schneller, 397 F.2d at 354. Accordingly, absent a terminal disclaimer, claims 12 and 13 were properly rejected under the doctrine of obviousness-type double patenting." (In re Goodman (CA FC) 29 USPQ2d 2010 (12/3/1993).

10. Claims 48-84 are provisionally rejected on the ground of nonstatutory obviousness- type double patenting as being unpatentable over claims 1-14,16,18-21[as amended 6/3/2008] of co-pending Application No. **10700,017**. Although the conflicting claims are not identical, they are not patentably distinct from each other because of following reasons:

Claims 1 and 6 of Patent Application No. **10700,017** contain(s) every element of claims 48-84 of the instant application and thus anticipate the claim(s) of the instant application. Claims of the instant application therefore are not patently distinct from the earlier patent claims and as such are unpatentable over obvious-type double patenting. A later patent/application claim is not patentably distinct from an earlier claim if the later claim is anticipated by the earlier claim.

"A later patent claim is not patentably distinct from an earlier patent claim if the later claim is obvious over, or anticipated by, the earlier claim. In re Longi, 759 F.2d at 896, 225 USPQ at 651 (affirming a holding of obviousness-type double patenting because the claims at issue were obvious over claims in four prior art patents); In re Berg, 140 F.3d at 1437, 46 USPQ2d at 1233 (Fed. Cir. 1998) (affirming a holding of obviousness-type double patenting where a patent application claim to a genus is anticipated by a 35 patent claim to a species within that genus). " ELI LILLY AND COMPANY v BARR LABORATORIES, INC., United States Court of Appeals for the Federal Circuit, ON PETITION FOR REHEARING EN BANC (DECIDED: May 30, 2001).

"Claim 12 and Claim 13 are generic to the species of invention covered by claim 3 of the patent. Thus, the generic invention is "anticipated" by the species of the patented invention. Cf., Titanium Metals Corp. v. Banner, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985) (holding that an earlier species disclosure in the prior art defeats any generic claim) 4. This court's predecessor has held that, without a terminal disclaimer, the species claims preclude issuance of the

Art Unit: 2166

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This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that

Art Unit: 2166

the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 48--84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arun et al. [hereafter Arun] U.S. Patent No. 6,631,386 in view of Baisley et al. [hereafter Baisley] U.S. Patent No. 6415299

15. With respect to claim 48, Arun teaches a first computer including a first version of the associative array, wherein the first version of the associative array comprises a first key/value pair (i.e., a first user computer storing a record having a plurality of field/value pairs, such as row 20(1) in fig. 2 as a working copy, fig. 4, lines 20-54 in col. 2, and lines 52-67 in col. 26);

Arun teaches a second computer including a second version of the associative array, wherein the second version of the associative array comprises a second key/value pair (i.e., a second user computer storing a record having a plurality of field/value pairs, such as row 20(1) in fig. 2 as a working copy, fig. 4, lines 20-54 in col. 2, and lines 52-67 in col. 26);

Arun teaches a version controller, adapted to communicate with the first computer and the second computer (i.e., version control subsystem 11 in fig. 1 communicating with users), the version controller for merging modifications from the first version of the associative array and the second version of the associative array (i.e., items 154, 156, and 157 in figs. 6A and 6B) and resolving a plurality of conflicts between the first version of the associative array and the second version of the associative array (i.e., item 153 in fig. 6, col 17, line 9-17, line 59-67, col 18, line 1-12), by receiving a plurality of user inputs responsive to identifying the plurality of conflicts each user input (col 17, line 59-65) specifying a conflict resolution procedure for an individual conflict (i.e., items 152-153 in fig. 6), Arun specifically teaches not only user interface where user initiating "conflict resolution", but also maintaining updated version records as detailed in col 17, line 59-67.

Arun does not explicitly disclose generating a third version of the associative array by such merging and resolving conflicts. However, Baisley teaches generating a third version of the associative array by merging modifications from the first version of an object and the second version of the object and resolving conflicts between the first version of the object and the second version of the object (i.e., merging changes in the multiple versions into a specific version of the object, fig 3, col 5, line 20-37, line 38-47)) Baisley specifically teaches model versions maintaining version attributes, particularly, multiple versions in a version tree for example as detailed in fig 3, also teaches

performing the "merge operation" and resolving conflicts between versions as detailed in col 5, line 20-37, line 38-47.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of merging versions of a model particularly merging a source version of a target version of a model of Baisley's into database version control , particularly versioning control module of Arun et al. because both Baisley, Arun are directed to version management [Baisley: fig 3, Abstract; Arun: Abstract, fig 1], and both Baisley, Arun teach "version tree" [Baisley: fig 3; Arun: fig 3] and both Baisley and Arun are from same field of endeavor. Because both Baisley, Arun teach "version management" particularly resolving conflicts between versions [Baisley: Abstract; Arun: Abstract], it would have been obvious to one skilled in the art to to combine the references to achieve the "predictable result" of not only merging multiple versions, resolving conflict, but also maintaining respective attribute value conflict to the user for examination and resolution when future versions are merged.

16. With respect to claim 49, Arun teaches the version controller further generates a directed acyclic graph, wherein the directed acyclic graph identifies a modification to the associative array by the first version of the associative array and a modification to the associative array by the second version of the associative array (fig. 3 and fig. 5).

Art Unit: 2166

17. The limitations of claim 50 are rejected in the analysis of claims 48-49 above, and the claim is rejected on that basis.

18. With respect to claim 51, Arun teaches the version controller further generates a changeset including modifications to the associative array by the first version of the associative array and the second version of the associative array (i.e., item 151 in fig. 6). With respect to claim 52, Arun teaches the version controller further executes at least one version control operation from a group of: creating the associative array, checking out the associative array, checking in the associative array, generating a report, cloning the associative array to generate a cloned associative array and displaying differences between the first version of the associative array and the second associative array (i.e., checking out the associative array, fig. 4, lines 13-31 in col. 26, and lines 20-54 in col. 2).

19. With respect to claim 53, Arun teaches the associative array comprises a file including: a key; and a value associated with the key (i.e., records in the form of files, lines 27-33 in col. 3 and lines 23-28 in col. 26).

20. With respect to claim 54, Arun teaches the version controller further organizes a plurality of associative arrays as a database table (fig. 2 and lines 49-67 in col. 4).

21. With respect to claim 55, Arun teaches generating a first version of the associative array by modifying a first key/value pair, wherein the first version of the associative array is a derivative of the associative array (i.e., a first user having a record including a plurality of field/value pairs, such as row 20(1) in fig. 2 as a working copy and modifying the record, fig. 3, fig. 4, fig. 5, lines 20-54 in col. 2, and lines 52-67 in col. 26).

Arun teaches generating a second version of the associative array by modifying a second key/value pair, wherein the second version of the associative array is a derivative of the associative array (i.e., a second user having the record including a plurality of field/value pairs, such as row 20(1) in fig. 2 as a working copy and modifying the record, fig. 3, fig. 4, fig. 5, lines 20-54 in col. 2, and lines 52-67 in col. 26).

Arun teaches merging modifications from the first version of the associative array and the second version of the associative array (i.e., items 154, 156, and 157 in figs. 6A and 6B) and resolving a plurality of conflict between the first version of the associative array and the second version of the associative array (i.e., item 153 in fig. 6, col 17, line 9-17, line 59-67, col 18, line 1-12), by receiving a plurality of user inputs responsive to identifying the plurality of conflicts each user input (col 17, line 59-65) specifying a conflict resolution procedure for an individual conflict (i.e., items 152-153 in fig. 6, col 17, line 59-67, col 18, line 28-51), Arun specifically teaches not only user interface where user initiating "conflict resolution", but also maintaining updated version records as detailed in col 17, line 59-67, col 18, line 28-51.

Arun does not explicitly disclose generating a third version of the associative array by such merging and resolving conflicts. However, Baisley teaches generating a third version of the associative array by merging modifications from the first version of an object and the second version of the object and resolving conflicts between the first version of the object and the second version of the object (i.e., merging changes in the multiple versions into a specific version of the object, fig 3, col 5, line 20-37, line 38-47) Baisley specifically teaches model versions maintaining version attributes, particularly, multiple versions in a version tree for example as detailed inn fig 3, also teaches performing the "merge operation" and resolving conflicts between versions as detailed in col 5, line 20-37, line 38-47.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of merging versions of a model particularly merging a source version of a target version of a model of Baisley's into database version control , particularly versioning control module of Arun et al. because both Baisley,Arun are directed to version management [Baisley: fig 3, Abstract; Arun: Abstract, fig 1], and both Baisley, Arun teach "version tree" [Baisley: fig 3; Arun: fig 3] and both Baisley and Arun are from same field of endeavor. Because both Baisley, Arun teach "version management" particularly resolving conflicts between versions [Baisley: Abstract; Arun: Abstract], it would have been obvious to one skilled in the art to combine the references to achieve the "predictable result" of not only merging multiple

versions, resolving conflict, but also maintaining respective attribute value conflict to the user for examination and resolution when future versions are merged.

22. With respect to claim 56, Arun teaches generating a first changeset identifying the modifications to the associative array in the first version of the associative array and generating a second changeset identifying the modifications to the associative array in the second version of the associative array (i.e., item 151 in fig. 6). Arun teaches applying the modifications identified by the first changeset and the second changeset to the associative array (i.e., items 154, 156, and 157 in figs. 6A and 6B). Therefore, the limitations of claim 56 are rejected in the analysis of claim 55 above, and the claim is rejected on that basis. With respect to claim 57, Arun teaches generating a directed acyclic graph, the directed acyclic graph identifying a difference between a version of the associative array and the associative array (fig. 3 and fig. 5). Therefore, the limitations of claim 57 are rejected in the analysis of claims 55-56 above, and the claim is rejected on that basis.

23. With respect to claim 58, Arun teaches the directed acyclic graph identifies the modification to the associative array by the first version of the associative array and the modification to the associative array by the second version of the associative array (fig. 3 and fig. 5). Therefore, the limitations of claim 58 are rejected in the analysis of claim 57 above, and the claim is rejected on that basis.

Art Unit: 2166

24. With respect to claim 59, Arun teaches comparing key/value pairs in the first version of the associative array, the second version of the associative array and the associative array and responsive to conflicts in the comparison of key/value pairs, prompting a user to specify a value for a conflicting key/value pair (i.e., items 152-153 in fig. 6).

25. With respect to claim 60, Arun teaches displaying a version of the associative array as a database record (fig. 2 and lines 49-67 in col. 4). Therefore, the limitations of claim 60 are rejected in the analysis of claim 55 above, and the claim is rejected on that basis.

26. With respect to claim 61, Arun teaches displaying a plurality of modified associative arrays as a database table (fig. 2 and lines 49-67 in col. 4).

27. With respect to claim 62, Baisley teaches 'generating a report including the third version of the associative array col 2, line 19-28, and data or metadata describing at least one of the directed acyclic graph, the merged modification and the conflicts [col 5, line 28-37, line 42-53, table I-II]

28. With respect to claim 63, Arun teaches selecting a conflict, applying an algorithm having knowledge of the data in the associative array, and modifying the version of the associative array responsive to a result of the applied algorithm

(fig. 6). Therefore, the limitations of claim 63 are rejected in the analysis of claim 56 above, and the claim is rejected on that basis.

29. With respect to claim 64, Arun teaches selecting a key/value pair having conflicting values in the first version of the associative array and the second version of the associative array, evaluating historical values of the selected conflicting key/value pair, and modifying the selected key/value pair responsive to the evaluation (fig. 6).

30. With respect to claim 65, Arun teaches a data store (i.e., database in fig. 1) including the associative array, the associative array comprising a file including at least one key/value pair (i.e., records in the form of files, lines 27-33 in col. 3 and lines 23-28 in col. 26), a first version of the associative array having a first key/value pair and a second version of the associative array having a second key/value pair (i.e., each first and second user having a record including a plurality of field/value pairs, such as row 20(1) in fig. 2 as a working copy and modifying the record, fig. 3, fig. 4, fig. 5, lines 20- 54 in col. 2, and lines 52-67 in col. 26);

Arun teaches a version controller adapted to communicate with the data store (i.e., version control subsystem 11 in fig. 1 communicating with the database), the version controller for merging modifications from the first version of the associative array and the second version of the associative array (i.e., items 154, 156, and 157 in figs. 6A and 6B) and resolving a plurality of conflicts

between the first version of the associative array and the second version of the associative array (i.e., item 153 in fig. 6, col 17, line 9-17, line 59-67, col 18, line 1-12.), by receiving a plurality of user inputs responsive to identifying the plurality of conflicts each user input (col 17, line 59-65) specifying a conflict resolution procedure for an individual conflict (i.e., items 152-153 in fig. 6, col 17, line 59-67 col 18, line 28-51), Arun specifically teaches not only user interface where user initiating "conflict resolution", but also maintaining updated version records as detailed in col 17, line 59-67 col 18, line 28-51) .

Arun does not explicitly disclose generating a third version of the associative array by such merging and resolving conflicts. However, Baisley teaches generating a third version of the associative array by merging modifications from the first version of an object and the second version of the object and resolving conflicts between the first version of the object and the second version of the object (i.e., merging changes in the multiple versions into a specific version of the object, fig 3, col 5, line 20-37, line 38-47]) Baisley specifically teaches model versions maintaining version attributes, particularly, multiple versions in a version tree for example as detailed inn fig 3, also teaches performing the "merge operation" and resolving conflicts between versions as detailed in col 5, line 20-37, line 38-47.

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of merging versions of a

Art Unit: 2166

model particularly merging a source version of a target version of a model of Baisley's into database version control , particularly versioning control module of Arun et al. because both Baisley, Arun are directed to version management [Baisley: fig 3, Abstract; Arun: Abstract, fig 1], and both Baisley, Arun teach "version tree" [Baisley: fig 3; Arun: fig 3] and both Baisley and Arun are from same field of endeavor. Because both Baisley, Arun teach "version management" particularly resolving conflicts between versions [Baisley: Abstract; Arun: Abstract], it would have been obvious to one skilled in the art to to combine the references to achieve the "predictable result" of not only merging multiple versions, resolving conflict, but also maintaining respective attribute value conflict to the user for examination and resolution when future versions are merged.

31. With respect to claim 66, Arun teaches the version controller further generates a directed acyclic graph, wherein the directed acyclic graph identifies a modification to the associative array by the first version of the associative array and a modification to the associative array by the second version of the associative array (fig. 3 and fig. 5).

32. With respect to claim 67, Arun teaches a communication module for connecting the version controller to a computer network and receiving a fourth version of the associative array including a modified key/value pair (i.e., version control subsystem 11 communicating a third user for a fourth version of the associative array in fig. 1).

Art Unit: 2166

33. With respect to claim 68, Arun teaches merging modification from the fourth version of the associative array with another version of the associative array (i.e., items 154, 156, and 157 in figs. 6A and 6B). Therefore, the limitations of claim 68 are rejected in the analysis of claims 65 and 67 above, and the claim is rejected on that basis.

34. With respect to claim 69, Arun teaches the version controller further resolves a conflict between the fourth version of the associative array and at least one from the group of the first version of the associative array, the second version of the associative array and the third version of the associative array (i.e., item 153 in fig. 6).

35. With respect to claim 70, Arun teaches the version controller further organizes a plurality of associative arrays as a database table (fig. 2 and lines 49-67 in col. 4).

36. With respect to claim 71, Arun teaches the associative array comprises a file including a key and a value (i.e., records in the form of files, lines 27-33 in col. 3 and lines 23-28 in col. 26).

37. With respect to claim 72, Baisley teaches 'associative array comprises an XML file including a key and a value associated with the key' [col 3, line 51-57]

38. With respect to claim 73, Arun teaches the data store further includes a specification file defining at least one of a default value associated with a key and a constraint on a value associated with a key (i.e., a default value in a field of a table, lines 16-27 in col. 6).

39. The limitations of claim 74 are rejected in the analysis of claim 55 above, and the claim is rejected on that basis.

40. The limitations of claim 75 are rejected in the analysis of claim 56 above, and the claim is rejected on that basis.

41. The limitations of claim 76 are rejected in the analysis of claim 57 above, and the claim is rejected on that basis.

42. The limitations of claim 77 are rejected in the analysis of claim 58 above, and the claim is rejected on that basis.

43. The limitations of claim 78 are rejected in the analysis of claim 59 above, and the claim is rejected on that basis.

44. The limitations of claim 79 are rejected in the analysis of claim 60 above, and the claim is rejected on that basis.

Art Unit: 2166

45. The limitations of claim 80 are rejected in the analysis of claim 61 above, and the claim is rejected on that basis.

46. The limitations of claim 81 are rejected in the analysis of claim 62 above, and the claim is rejected on that basis.

47. With respect to claim 82, Arun teaches selecting a key/value pair having conflicts values in the first version of the associative array and the second version of the associative array (i.e., items 151-152 in fig. 6), prompting a user to input a value for the selected key/value pair (i.e., item 153 in fig. 6), and associating the user input value with the selected key/value pair (i.e., items 154, 156, and 157 in figs. 6A and 6B).

48. The limitations of claim 83 are rejected in the analysis of claim 64 above, and the claim is rejected on that basis.

49. The limitations of claim 84 are rejected in the analysis of claim 55 above, and the claim is rejected on that basis.

Response to Arguments

50. Applicant's arguments filed with respect to claims 48-84 filed on 7/20/2008, which amends claims 48,55,65,74 have been fully considered but they are not persuasive., for examiner's response, see discussion below:

a) At page 12, claim 48,55,65,74, applicant argues that "Arun does not disclose at least the claimed element "resolving a plurality of conflicts between the first version of the associative array and the second version of the associative array by receiving a plurality of user inputs responsive to identifying the plurality of conflicts, each user input specifying a conflict resolution procedure for an individual conflict

As to the argument [a], It is noted that Applicant's remarks, at page 11-16 of the response, are merely conclusory statements, without any support . Applicant is merely repeating the language of the claim, without addressing Examiner's particular interpretation of the reference, as presented in the previous office action, and without specifying how the instant amendments address the issues raised by Examiner.

In response to above argument [a], examiner notes that Arun clearly teaches "version control system", particularly, version control tree or hierarchy of states of versions, where conflicts are discovered and resolved [see Abstract]. Further, it is noted that Arun is not limited to single conflict resolving, but focused

Art Unit: 2166

on multiple records including specific version control field where each version is identified with version identifier and related information [see fig 2, col 5, line 57-67, col 6, line 1-5]. As noted, Arun not only teaches user interface where user has the ability to specify particular record[s] with respect to version identifier to discover specific "individual conflict[s]", but also resolving conflict[s] and maintaining updated version records as detailed in col 17, line 59-67. More particularly, it is an objective to detect conflicts, and resolving conflicts in order to maintain updated "version control information" data records in the database [see Abstract].

b) At page 13, claim 48,55,65,74, applicant argues that "Arun does not allow a user to individually resolve multiple conflicts by selecting data from different versions using user input for each conflict encountered, but rather users a single user input to specify the version used to resolve all conflicts encountered. Hence Arun does not disclose at least the claimed element "resolving a plurality of conflicts between the first version of the associative array and the second version of the associate array by receiving a plurality of user inputs responsive to identifying the plurality of conflicts, each user input specifying a conflict resolution procedure for an individual conflict".

As to the above argument [b], examiner disagree with the applicant because, Arun specifically teaches not only user interface that allows users to edit or update data records, but also allows users to identify specific record[s],

Art Unit: 2166

version identifier[s] "conflicts" and resolving accordingly [see Abstract, fig 6, element 152-153, col 17, line 59-65, col 18, line 28-51].

Examiner noted applicant's arguments at page 13-16 are they are moot in view of the above rejection.

Conclusion

The prior art made of record

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|----|---------------|---------|
| a. | US Patent No. | 6631386 |
| b. | US Patent No. | 6415299 |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srirama Channavajjala whose telephone number is 571-272-4108. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, T, can be reached on (571) 272-3978. The fax phone numbers for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Srirama Channavajjala/
Primary Examiner, Art Unit 2166